

Hon. John H. Chun

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KURT A. BENSHOOF,  
A.R.W. By and Through His Father,  
KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, *et al.*,

Defendants.

No. 2:24-cv-00808-JHC

PLAINTIFFS' MOTION FOR LEAVE  
TO FILE FIRST AMENDED  
COMPLAINT

NOTED ON MOTION CALENDAR:  
January 6, 2025, 7(d)(2)

**I. INTRODUCTION**

Plaintiff Kurt Benshoof ("Benshoof") moves the Court with good cause for an Order granting Plaintiff's Motion to Leave to file Plaintiff's First Amended Complaint. Benshoof brings this motion under threat, duress, and coercion of the Order Restricting Abusive Litigation by Kurt Benshoof ("ORAL") and Contempt Order granted by Judge Marshall Ferguson in KCSC No 22-2-15958-8 SEA, Document Nos. 189; 319, attached hereto as Appendix A and B.

1 While the ORAL and Contempt Order were the result of perjury and fraud  
2 perpetrated by two perjuring prostitutes and their corrupt attorneys, and while  
3 Benshoof has good cause to believe that he is not legally obligated to comply with  
4 fraudulent orders, he does so to avoid the possibility of additional unlawful  
5 imprisonment.  
6

## 7 II. SWORN STATEMENT OF FACTS

8 1. Benshoof incorporates by reference as if fully restated herein the  
9 attached Amended Petition for Writ of Habeas Corpus (WAWD No. 2:24-cv-1110-  
10 JNW; Dkt. #23) and Exhibits. (*Id.*, Dkt. #23-1)  
11

## 12 III. AUTHORITY

13 2. The First Amendment prohibits government officials from abrogating  
14 Benshoof's right to petition for redress of his grievances, and his Amended Habeas  
15 provides irrefutable evidence that the mother of A.R.W., Jessica Owen ("Owen"), has  
16 committed perjury and extrinsic fraud across multiple court cases for more than three  
17 years to conceal the kidnapping of A.R.W.  
18

19 3. The Amended Habeas details the ongoing conspiracy by City of Seattle  
20 and King County officials to unlawfully and indefinitely imprison Benshoof *in*  
21 *communicado* under color of law, aided and abetted by Owen's co-conspirators, family  
22 law attorney Nathan Cliber ("Cliber") and Magalie Lerman.  
23

24 4. Current defendants—who are all attorneys—Blair Russ, Jessica  
25 Skelton, Michael Tracy, and Sarah Turner have engaged in parallel acts to render  
26

1 criminal assistance to the kidnapping of A.R.W., and to prevent Benshoof from  
 2 seeking redress in violation of 18 U.S.C. § 1512(b), a predicate act under Civil RICO.

3 5. "The [attorney's] failure to report the [perjury of his client] "is the actual  
 4 cause of [the] injury only if the injury would not have occurred 'but for' that  
 5 conduct." *White v. Roper*, 901 F.2d 1501, 1505 (9th Cir. 1990) (citing W. Prosser W.  
 6 Keeton, *The Law of Torts* [hereinafter "Prosser Keeton"] § 41, at 266 (5th ed. 1984)).  
 7 "The requisite causal connection can be established not only by some kind of direct  
 8 personal participation in the deprivation, but also by setting in motion a series of acts  
 9 by others which the actor knows or reasonably should know would cause others to  
 10 inflict the constitutional injury." *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th Cir.  
 11 1978)." *Conn v. City of Reno*, 572 F.3d 1047, 1058 (9th Cir. 2009)

12 6. The previous five months of constitutional violations of Benshoof's rights  
 13 and resultant damages to Plaintiffs were the direct and proximate result of Cliber  
 14 suborning the perjury of his client, Owen, and parallel acts by Defendants and others.

15 7. "When [private attorneys] conspired to construct a false story about the  
 16 events that took place...they deliberately set in motion a series of events that they  
 17 anticipated (or should have anticipated) would lead to [Benshoof's] arrest, and [ ] trial  
 18 [ ]. Not only did [private attorneys] set the events in motion but, according to the  
 19 complaint, they voluntarily provided crucial information, false though it was, at every  
 20 step of the proceeding." *Harris v. Roderick*, 126 F.3d 1189, 1199 (9th Cir. 1997)

21 8. Private parties, such as attorneys, "act under color of state law if they  
 22 willfully participate in joint action to deprive others of constitutional rights.' *Dennis*

1 *v. Sparks*, 449 U.S. 24, 27 (1980); *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 152 ((1970);  
 2 U.S. v. Price, 383 U.S. 787, 794 (1966).” *United Steelworkers v. Phelps Dodge*, 865  
 3 F.2d 1539, 1540 (9th Cir. 1989)

4  
 5 9. Plaintiffs deserve the opportunity to question all defendants under oath  
 6 before a jury of their peers. “The existence or nonexistence of a conspiracy is  
 7 essentially a factual issue that a jury, not the trial judge, should decide...The right to  
 8 confront, cross-examine, and impeach adverse witnesses is one of the most  
 9 fundamental rights sought to be preserved by the Seventh Amendment provision for  
 10 jury trials in civil case.” *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 176 (1970)

## 11 VERIFICATION

12  
 13 This motion contains 696 words in compliance with LCR 7(e)(1). Plaintiff Kurt  
 14 Benshoof does hereby declare that the foregoing is true and correct to the best of his  
 15 knowledge under penalty of perjury under the laws of the United States. Executed  
 16 this 22<sup>nd</sup> day of December in the year 2024, in the city of Mountlake Terrace, in the  
 17 county of Snohomish, in the state of Washington.

18  
 19 By:

20 

21 Kurt Benshoof, Co-Plaintiff *Pro Se*  
 22 22701 42<sup>nd</sup> Place West  
 23 Mountlake Terrace, WA 98043  
 24 Phone: (425) 553-8112  
 25 Email: kurtbenshoof@gmail.com

# Appendix A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND OF THE COUNTY OF KING

KURT BENSHOOF,

Plaintiff,

v.

NATHAN CLIBER, JESSICA OWEN,  
MAGALIE LERMAN, and OWEN  
HERMSEN

Defendants.

NO. 22-2-15958-8 SEA

**ORDER RESTRICTING ABUSIVE  
LITIGATION OF KURT BENSHOOF**

This Court has determined that Kurt Benshoof is a vexatious litigant, that he has engaged in an extensive pattern of abusive litigation and weaponization of the court system against Defendants, and that Defendants are entitled to entry of an order restricting Mr. Benshoof's ability to file abusive legal actions against them, their friends and family, and their respective counsel. *See* Dkt. #177 (Order Granting Defendants' Joint Motion for a Vexatious Litigant Order Against Plaintiff, And Temporary Order Restricting Abusive Litigation By Kurt Benshoof). The Court incorporates that order by reference as if set forth fully herein and makes the following additional findings and final orders:

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT  
BENSHOOF - 1

TOMLINSON  
BOMSZTYK  
RUSS

1000 Second Avenue, Suite 3680,  
Seattle, Washington 98104-1048  
P/ 206.621.1871 F/ 206.621.9907

0380 COPY

**PRIOR ABUSIVE FILINGS BY MR. BENSHOOF**

**King County Superior Court Cause No. 22-2-02932-3 SEA**

1. On March 1, 2022, Mr. Benshoof filed his first of several complaints against Ms. Owen arising from his claim that Ms. Owen had converted his Toyota FJ Cruiser, which was titled in Ms. Owen's name.

2. After Ms. Owen voluntarily transferred title to Plaintiff, that matter was dismissed.

3. However, and despite the vehicle being voluntarily transferred to him, Plaintiff continued to allege facts in this case (and others) regarding the vehicle.

**King County Superior Court Cause No. 22-2-03826-8 SEA**

1. On March 16, 2022, Plaintiff filed another complaint against Ms. Owen.

2. In that complaint, Mr. Benshoof alleged claims of constructive fraud and infliction of emotional distress relating to a previously shared residence (titled in Ms. Owen's name). Further, and similar to the allegations alleged in this matter, Mr. Benshoof claimed that Ms. Owen wrongfully filed police reports against him.

3. On June 24, 2022, Ms. Owen filed a motion to dismiss Mr. Benshoof's claims in that lawsuit pursuant to CR 12(c). Judge Robertson granted Ms. Owen's motion on July 22, 2022, and his claims were dismissed with prejudice. Judge Robertson determined Mr. Benshoof's claims were either time-barred or failed to state a claim upon which relief could be granted.

4. As to the claims concerning Ms. Owen's communications with law enforcement, those were dismissed because they did not remotely rise to anything close to a viable cause of action.

1           5.       Additionally, Judge Robertson's order admonished Mr. Benshoof's filings as  
2 follows:

3                   Plaintiff improperly attempt[ed] to "amend" the complaint via a  
4 filing of an "amended" complaint coupled with what purports to be  
5 criminal allegations. These items were all filed on 7/15/22 without  
6 leave of this court. Plaintiff failed to comply with CR 15 to permit  
7 an amendment of the complaint. However, *even if* this amended  
8 complaint were to be considered, it falls under the same merits as  
9 above [time-barred & failure to state a claim upon which relief can  
10 be granted].

11                   Plaintiff's Response to this motion was improper and untimely, and  
12 Plaintiff failed to follow local rules regarding service of working  
13 copies to the Court. However, the response was given consideration  
14 by this Court as if it were filed timely. In this Response, Plaintiff  
15 failed to provide any legal basis to deny Defendant's motion [to  
16 dismiss].

17                   **King County Superior Court Case No. 22-2-1112-7 SEA**

18           1.       On July 18, 2022, Mr. Benshoof filed an 85-page Petition for Writ of Habeas  
19 Corpus and named Mr. Cliber, Judge David Keenan, Commissioner Jason Holloway, Ms.  
20 Owen, Ms. Lerman, and one other individual as Respondents. The writ was denied three days  
21 after it was filed and the case was dismissed.

22                   **King County District Court Cause No. 22CIV11976KCX**

23           1.       On August 2, 2022, Mr. Benshoof attempted to obtain an anti-harassment  
protection order against Mr. Cliber based on Mr. Cliber's representation of Ms. Owen in the  
Parentage Action. The court denied Mr. Benshoof's request.

**U.S District Court for the Western District of Washington Cause No. 2:22-cv-  
01281-LK and King County Superior Court Cause No. 22-2-15745-3 SEA**

                  1.       Following Judge Robertson's dismissal of his claims, Mr. Benshoof filed two  
other complaints against Ms. Owen on September 9, 2022, and September 29, 2022,  
respectively.



2. In the first of these two actions (the “Federal Action”), Mr. Benshoof filed a litany of allegations against dozens of people, including all named Defendants here and multiple sitting King County Superior Court Judges.

3. On September 26, 2022, Judge Lauren King dismissed Mr. Benshoof’s nearly 300-page complaint *sua sponte*.

4. Three days later, Mr. Benshoof filed another action which was nothing short of a re-filing on the exact same claims previously dismissed by Judge Robertson (King Co. Sup. Ct. No. 22-2-15745-3).

**King County Superior Court Cause No. 22-2-15958-8 SEA (this case)**

1. On October 3, 2022, Mr. Benshoof filed the present action. When Ms. Owen sought to consolidate this matter with the other matter assigned to Judge Robertson, Mr. Benshoof filed an affidavit of prejudice. This was a concerted effort to circumvent the prior orders of the Superior Court.

2. This case marked the fifth civil complaint filed by Mr. Benshoof against Ms. Owen in a nine-month period. In this action, Mr. Benshoof cited to the above-mentioned, previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6 SEA and 21-2-11149-8 SEA, alleging, among other things, “Defendants Cliber and Owen illegally or improperly perverted the King County Family Court system against Plaintiff.”

3. When Ms. Owen and Mr. Cliber availed themselves of the protections found in Ch. 4.105 RCW, Mr. Benshoof responded by threatening to file yet more litigation against the same parties arising out of the same “facts”.

4. On March 17, 2023, this Court dismissed the one remaining claim asserted by Mr. Benshoof after having previously dismissed all other claims.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT  
BENSHOOF - 4

**0383**

**TOMLINSON  
BOMSZTYK  
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1000 Second Avenue, Suite 3660,  
Seattle, Washington 98104-1048  
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Based on the factual findings above, this Court concludes that Mr. Benshoof has engaged in an extensive pattern of abusive litigation and weaponization of the court system against these defendants, their friends and family, and their attorneys. This pattern of abusive litigation has taken a significant emotional and financial burden on the defendants. Accordingly, the Court imposes the following filing restrictions against Mr. Benshoof.

### FILING RESTRICTIONS

Based on the pattern of abusive litigation detailed above, the court enters the following filing restrictions which will apply to any and all future litigation Mr. Benshoof may attempt to bring. These restrictions shall be in effect for five (5) years from the date of the entry of this order.

1. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an individual and in any representative capacity, from initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, "Persons Covered by This Order"), unless Mr. Benshoof first obtains advanced approval from this Court.

2. To obtain advance approval from this Court, Mr. Benshoof shall submit an application to the undersigned Judge/Department 31 in the form of a one-page document, in twelve-point type, that provides a summary of the parties involved and the proposed claims or issues.<sup>1</sup> The proposed complaint/petition shall be attached to the summary. No other

<sup>1</sup> Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court Case No. 22-2-15958-8 SEA, with copies served via e-mail on all parties and counsel of record.

1 exhibits or attachments may be included. The Court may, at its discretion, request a response  
2 from Persons Covered by This Order before ruling on Mr. Benshoof's application.


3 3. Any new case against Persons Covered by This Order filed by Mr. Benshoof  
4 with Court approval in King County Superior Court shall be assigned to the undersigned  
5 judge/Department 31.

6 4. If Mr. Benshoof seeks to commence a new action against Persons Covered by  
7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in  
8 the other court for leave to proceed with the action. The motion must be filed  
9 contemporaneous to the filing of the complaint or petition. The motion for leave must  
10 demonstrate that good cause exists to permit the action to proceed given the claims raised in  
11 the new complaint and Mr. Benshoof's past litigation abuses. If the reviewing court finds  
12 good cause has not been show for the action to proceed, it may dismiss the action with  
13 prejudice. If the reviewing court determines that sanctions are warranted, it may impose  
14 sanctions at the same time the action is dismissed. Mr. Benshoof shall have an opportunity to  
15 explain in writing why sanctions should not be imposed in a post-dismissal motion for  
16 reconsideration within ten (10) days of the dismissal.

17 5. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files  
18 or attempts to file in any court, including (but not limited to) any federal court.

19 6. If Mr. Benshoof fails to abide by the terms of this Order, any party may move,  
20 or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt  
21 finding could result in the imposition of jail time as a sanction. The Court has attached the  
22 Knight warnings to this Order.

DONE this 31st day of March, 2023.

  
The Hon. Marshall Ferguson

Presented by:

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Kyle J. Rekofke  
Kyle J. Rekofke, WSBA #49327  
Attorney for Defendant Nathan Cliber

TOMLINSON BOMSZTYK RUSS

By: AM  
Anthony S. Marinella, WSBA #55611  
Attorney for Defendant Jessica Owen

ADMON LAW FIRM, PLLC

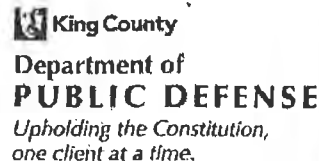
By: /s/ Moshe Y. Admon  
Moshe Y. Admon  
Attorney for Defendants Lerman and Hermesen

## CONTEMPT "KNIGHT" WARNING

1. If this court finds you in contempt of court, jail time is an immediate possibility. Consequently, you have a right to counsel.
2. You may hire private counsel at your own expense, but the court is referring you to the Department of Public Defense (formerly the Office of Public Defense) where an attorney will be provided if you cannot afford to hire private counsel. It is your responsibility to contact the Department of Public Defense for screening. You are being provided with the contact information for the Department of Public Defense with this notice.
3. If you do not contact the Department of Public Defense or hire private counsel, your conduct will be deemed dilatory, which means you have failed to follow through on your obligation. As a consequence, the court can find that you have forfeited your right to an attorney.
4. If you are found to have forfeited your right to an attorney, the court will require you to proceed in the matter without representation by counsel. Without an attorney, you risk failing to assert defenses to contempt or effectively explaining to the court why you should not be held in contempt. Without an attorney you also may miss an opportunity to present information that could mitigate or make less severe any sanctions imposed if you are found to be in contempt. Given that I have advised you that a possible sanction for contempt is jail, I urge you seek counsel now.

King County Superior Court





**Important notice to defendants accused  
of a crime or involved in a dependency action**

If you cannot afford a lawyer, you must be screened and determined eligible for a public defender. **There are two ways to be interviewed:**

**1. Call the King County Department of Public Defense (DPD) at (206) 477-9727  
Monday through Friday from 8 a.m. to 5 p.m.**

**2. Report in person to a DPD screening office:  
King County Courthouse, 516 3rd Ave, Room E-820, Seattle  
Mondays and Wednesdays from 8 a.m. to 5 p.m.**

**Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032  
Room 1-B**

**Tuesdays and Wednesdays from 8 a.m. to 5 p.m.**

You can also email [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) to have a DPD screener contact you.

You will likely have a better outcome if you discuss your case with your attorney as soon as possible. To see if you qualify for a public defender, contact DPD immediately. Even if an attorney was originally assigned to you while you were in custody, you must still call DPD upon release to see if you continue to qualify. **SCREEN EARLY! DON'T WAIT!**

**Aviso importante a los acusados, acusado de un delito o  
involucrados en un caso de dependencia**  
Si usted no puede pagar a un abogado, debe ser entrevistado y  
determinado elegible para tener un defensor público. Hay dos  
maneras para hacer la entrevista:

**1. Llame el Departamento del Condado de King de los  
Defensores Públicos (DPD) en (206) 477-9727 el lunes al viernes desde a las 8:00 AM  
– 5:00 PM**

**2. Aparecer en persona a la Oficina de Defensores Públicos a:  
King County Courthouse, 516 3rd Ave, Seattle, WA 98104  
Los lunes y miércoles entre los horarios 8:00 AM – 5:00 PM  
Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032  
Sala 1-B**

**Los martes y miércoles entre los horarios 8:00 AM – 5:00 PM**

Usted podría tener los mejores resultados si puede discutir sobre su caso con su abogado lo mas pronto que sea posible. Para averiguar si usted califique por tener un defensor público, debe comunicarse con DPD inmediatamente aunque ha tenido un defensor público mientras usted estaba encarcelado, aun debe comunicarse con DPD cuando salga de la cárcel para averiguar si sigue ser elegible. Haga su entrevista pronto.

Usted también puede mandar un email a [DPDScreening@kingcounty.gov](mailto:DPDScreening@kingcounty.gov) para comunicarse con uno de los entrevistadores.

King County Superior Court

# Appendix B

FILED

2024 MAR 01 02:30 PM The Honorable Marshall Ferguson  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 22-2-15958-8 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KURT BENSHOOF,

Plaintiff,

v.

NATHAN CLIBER, JESSICA OWEN and  
MAGALIE LERMAN,

Defendants.

Case No. 22-2-15958-8 SEA

**ORDER FINDING OF CONTEMPT  
AND IMPOSING SANCTIONS  
AGAINST PLAINTIFF KURT  
BENSHOOF**

This matter comes before the Court on Defendant Nathan Cliber's Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Cliber's Motion"), Defendant Jessica Owen's Motion for Finding and Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Owen's Motion"). The Court considered the arguments of the parties, the documents and pleadings on file herein, including the following:

- Cliber's Motion;
- The Declaration of Sarah N. Turner in Support of Cliber's Motion;
- Plaintiff's Opposition to Cliber's Motion;
- Defendant Nathan Cliber's Reply in Support of Cliber's Motion;
- Owen's Motion;
- The Declaration of Jessica Owen in Support of Owen's Motion;
- The Declaration of Paige Gagliardi in Support of Owen's Motion;

ORDER FINDING OF CONTEMPT AND IMPOSING  
SANCTIONS AGAINST PLAINTIFF KURT BENSHOOF - 1

GORDON REES SCULLY  
MANSUKHANI, LLP  
Attorneys at Law  
701 5th Avenue, Suite 2100  
Seattle, Washington 98104  
(206) 695-5100

0389



- The Declaration of Moshe Y. Admon in Support of Cliber's and Owen's Motions;
- Plaintiff's Opposition to Owen's Motion; and
- Defendant Jessica Owen's Reply in Support of Owen's Motion.

Based upon such review and consideration, the Court GRANTS both Cliber's Motion and Owen's Motion, and enters the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. Plaintiff has disregarded and failed to comply with this Court's Order Restricting Abusive Litigation of Kurt Benshoof (the "Abusive Litigation Order") (Dkt. 189) in his filing and attempted service of new claims and causes of action in Western District of Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) upon Defendants Nathan Cliber, Jessica Owen, and the other "Persons Covered by This Order" (as those persons are defined in the Abusive Litigation Order);

2. Specifically, Plaintiff failed to file a contemporaneous motion for leave to proceed with his claims against Mr. Cliber, Jessica Owen and other Persons Covered by This Order (as those persons are defined in the Abusive Litigation Order) in both Case No. 2:23-cv-01392-JNW and Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 4);

3. Plaintiff also failed to file a copy of the Abusive Litigation Order with the federal court in Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 5);

4. In Case No. 2:23-cv-01392-JNW, Plaintiff did file a copy of the Abusive Litigation Order, but he did so by burying the order among 2,034 pages of exhibits to his complaint. Plaintiff filed a 184-page original complaint and later a 280-page amended complaint in Case No. 2:23-cv-01392-JNW. Plaintiff's 2,034-page exhibit filing occurred on September 26, 2023, seven calendar days after Plaintiff filed the original complaint. Within the 2,034 pages of exhibits, the Abusive Litigation Order can be found at Pages 563 through 571. Plaintiff buried the Abusive Litigation Order among numerous other exhibits to reduce the likelihood that the federal court would become aware of the order;

1           5.       Plaintiff is in contempt of court for violating the Abusive Litigation Order.

2           6.       The Abusive Litigation Order warned Mr. Benshoof that if he “fails to abide by the  
3 terms this Order, any party may move, or the Court *sua sponte* may move, for a finding of contempt  
4 and sanctions. A contempt finding could result in the imposition of jail time as a sanction.”  
5 Abusive Litigation Order (p. 6, ¶ 6);

6           7.       The Abusive Litigation Order included the Knight<sup>1</sup> warnings as an attachment;

7           8.       The Abusive Litigation Order clearly and unequivocally states that the filing  
8 restrictions in the order “apply to any and all future litigation Mr. Benshoof may attempt to bring”  
9 against the protected persons. Abusive Litigation Order, p. 5. The order further states that Mr.  
10 Benshoof is “**ENJOINED AND RESTRAINED**...from initiating any litigation whatsoever in  
11 any Superior Court in the state of Washington... unless Mr. Benshoof first obtains advanced  
12 approval from this Court” and that “If Mr. Benshoof seeks to commence a new action...in a court  
13 *other than* a Superior Court, Mr. Benshoof must first bring a motion in the other court for leave to  
14 proceed with the action.” *Id.*, p. 5, ¶ 1 and p. 6, ¶ 4. Although the Abusive Litigation Order is  
15 clear and unambiguous, the Court now clarifies, as guidance for Mr. Benshoof, that terms like “any  
16 and all future litigation” and “new action” in the Abusive Litigation Order include all claims,  
17 counterclaims, crossclaims, third party actions, and any other claims whatsoever brought by Mr.  
18 Benshoof in any court against the “Persons Covered by This Order” as defined in the Abusive  
19 Litigation Order.

20           9.       Although the present Order does not include jail time as a sanction, any future  
21 violation(s) of the Abusive Litigation Order by Mr. Benshoof could potentially result in jail time  
22 as a remedial or punitive sanction.

23       ///

24       ///

25  
26       

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<sup>1</sup> *State ex rel. Schmitz v. Knight*, 142 Wn. App. 291, 174 P.3d 1198 (2007).

1 Based upon the above findings of fact and conclusions of law, the Court ORDERS the  
 2 following sanctions:

3 A. Mr. Benshoof is ordered to pay the attorneys' fees and costs incurred by Defendants  
 4 in bringing their respective motions for finding of contempt and sanctions against Mr. Benshoof,  
 5 including supporting filings, declarations, and replies. Defendants shall submit their respective  
 6 fee petitions to the Court within **14 days** of this Order.

7 B. Mr. Benshoof shall pay the attorneys' fees and costs incurred by Mr. Cliber in  
 8 bringing the Abusive Litigation Order to the attention of the federal court in Western District of  
 9 Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-  
 10 cv-01829-JHC (now JNW). Mr. Cliber shall submit his fee petition to the Court within **14 days**  
 11 of this Order.

12 C. The Abusive Litigation Order's expiration date is extended by one year, to **March**  
 13 **31, 2029**.

14 D. Mr. Benshoof shall file the leave motion ("Leave Motion") required by the Abusive  
 15 Litigation Order in both Western District of Washington Case No. 2:23-cv-01392-JNW and  
 16 Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) as to any and all  
 17 Persons Covered by This Order, excluding Mr. Cliber, and including Moshe Admon, Owen  
 18 Hermesen, Magalie Lerman, Jessica Owen, and Blair Russ (collectively, "Other Named Defendants  
 19 Covered by this Order"). Such motion ("Leave Motion") shall be captioned "Motion for Leave to  
 20 Proceed Against Certain Parties in Accordance with the Order Restricting the Abusive Litigation  
 21 of Kurt Benshoof" and shall conspicuously identify the Abusive Litigation Order in the statement  
 22 of facts. Plaintiff shall attach a copy of the Abusive Litigation Order as an exhibit to a separately  
 23 filed supporting declaration, appendix, or addendum to the Leave Motion.

24 E. Upon filing the Leave Motions, Mr. Benshoof shall file proof in this action of such  
 25 filings in the federal court cases. Absent obtaining leave to proceed against the Other Named  
 26

1 Defendants Covered by this Order, Mr. Benshoof shall refrain from taking any action in pursuit of  
2 his claims against those individuals including but not limited to, attempting effectuate service and  
3 seeking affirmative relief in any form. To the extent necessary to comply with an impending  
4 deadline, Mr. Benshoof may seek to extend that deadline to an extent necessary to accommodate  
5 a ruling on the Leave Motion.  
6

7 **F. Beginning one calendar week from the entry of this Order, for each day Mr.**  
8 **Benshoof has failed to the file the Abusive Litigation Order's required leave motion in BOTH**  
9 **pending actions, or otherwise dismissed claims in those actions against the Other Named**  
10 **Defendants Covered by This Order, an ongoing remedial sanction shall be entered against**  
11 **him in the amount of \$250 per day, per Other Defendant Covered by This Order. Mr.**  
12 Benshoof shall deposit such accrued amounts in the King County Superior Court Registry under  
13 this cause number and the Other Named Defendants may, at their option, apply for disbursement  
14 or seek to enter a judgment for any accrued amounts not so deposited.

15 **G.** For any further legal proceedings filed by Mr. Benshoof in violation of the Abusive  
16 Litigation Order, he shall be assessed, in addition to any other sanction which may be imposed, a  
17 per diem sanction of \$250.00 per day per Person Covered by the Order named as a defendant in  
18 such action.

19 DATED this 1st day of March, 2024.

20  
21 THE HONORABLE MARSHALL FERGUSON  
22  
23  
24  
25  
26

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 22-2-15958-8  
Case Title: BENSHOOF VS CLIBER ET AL  
Document Title: ORDER RE CONTEMPT SANCTIONS  
  
Signed By: Marshall Ferguson  
Date: March 01, 2024



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Judge: Marshall Ferguson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A4ABB09C7C1D81F742E845B69E1C4CD6FEAA5E8C  
Certificate effective date: 7/17/2023 2:21:34 PM  
Certificate expiry date: 7/17/2028 2:21:34 PM  
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O=KCDJA, CN="Marshall Ferguson:  
8skMktsk7hG1yuM6zbJ6iw=="